

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. CR02-063-MJP  
Plaintiff, )  
v. )  
DAVID JOHN JAMES, ) SUMMARY REPORT OF U.S.  
Defendant. ) MAGISTRATE JUDGE AS TO  
 ) ALLEGED VIOLATIONS  
 ) OF SUPERVISED RELEASE

An initial hearing on supervised release revocation in this case was scheduled before me on January 31, 2006. The United States was represented by AUSA Tate London and the defendant by Timothy S. McGarry. The proceedings were digitally recorded.

Defendant had been sentenced on or about July 19, 2002 by the Honorable Marsha J. Pechman on a charge of Distribution of a Controlled Substance and sentenced to 30 Months Custody, 3 years Supervised Release.

The conditions of supervised release included requirements that defendant comply with all local, state, and federal laws and with the standard conditions of supervision. Other special conditions included no firearms, narcotic addiction or drug dependency treatment and testing,

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01 mandatory drug testing, refrain from alcohol and other intoxicants, submit to search, and provide  
02 financial information. (Dkt. 126)

03 On June 2, 2004, defendant's probation officer reported that the defendant had tested  
04 positive for cocaine. He was reprimanded, placed in a structured testing program, referred for  
05 assessment and intensive outpatient treatment, and placed in a community based residential  
06 program (Dkt. 186). No further action was taken.

07 On March 11, 2005, the defendant admitted to violating the terms of supervised release  
08 by using cocaine, failing to submit monthly reports, failing to report for drug testing, and failing  
09 to report to the probation office as directed. (Dkt. 201). A sentence of five months in custody was  
10 imposed. (Dkt. 203).

11 In an application dated October 25, 2005, U.S. Probation Officer Steven R. Gregoryk  
12 reported that defendant had violated the terms of supervised release as follows:

13 1. Using cocaine on or before October 5, 2005 and October 7, 2005 in violation of  
14 standard condition no. 7.

15 2. Failing to report to the probation officer on October 19, 2005 and October 21,  
16 2004 in violation of standard condition no. 2.

17 Defendant was advised in full as to those charges and as to his constitutional rights.

18 Defendant admitted each of the alleged violations and waived any evidentiary hearing as  
19 to whether they occurred.

20 I therefore recommend the Court find defendant violated his supervised release as alleged  
21 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be  
22 set before Judge Pechman.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 31st day of January, 2006.

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05 Mary Alice Theiler  
06 United States Magistrate Judge  
07

08 cc: District Judge: Honorable Marsha J. Pechman  
09 AUSA: Tate London  
10 Defendant's attorney: Timothy S. McGarry  
11 Probation officer: Steven R. Gregoryk  
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